

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL WALKER,

Defendant.

---

DECISION AND ORDER

04-CR-6082L

Defendant Michael Walker has filed several motions over the past year or so; some have been resolved by other judges on the Court, but two remain pending before this Court. Defendant's motion (Dkt. #114), filed *pro se*, for a reduction of sentence based on Section 404 of the First Step Act, effective December 21, 2018. The Government responded and opposed that motion (Dkt. #128). Also pending is defendant's *pro se* motion (Dkt. #129) in part objecting to materials submitted by the Probation Office and moving once again for a reduction of sentence under the First Step Act. The Government responded and objected to that motion as well (Dkt. #136).

Both motions (Dkt. #114 and #129) are denied.

Defendant's present incarceration, 51 months, results from a sentence for violations of supervised release. Defendant's original sentence imposed August 9, 2004 was eventually reduced to time served in 2011 (Dkt. #55). As such, the defendant is entitled to no further reduction under the First Step Act or otherwise. Defendant's several violations of supervised release culminated in the 51-month sentence he is now serving.

Defendant is not entitled to any further reduction. As pointed out in the Government's Responses (Dkt. #128, #136), sentences imposed for violations of supervised release are not "covered offenses" and therefore provide no basis for relief or reduction under the First Step Act.

I have considered defendant's other contentions and arguments and find that none of them have merit.

### CONCLUSION

Defendant Michael Walker's motions (Dkt. #114, #129) for a reduction of sentence pursuant to Section 404 of the First Step Act are in all respects denied.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "David G. Larimer", is written over a horizontal line.

DAVID G. LARIMER  
United States District Judge

Dated: Rochester, New York  
October 14, 2020.